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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,587	11/12/2003	Alfred Multerer	91136.000003	6679
23387 7	01/19/2005		EXAMINER	
Stephen B. Salai, Esq.			TRAN, KHOI H	
Harter, Secrest & Emery LLP 1600 Bausch & Lomb Place		ART UNIT	PAPER NUMBER	
Rochester, NY 14604-2711			3651	
			DATE MAILED: 01/19/2005	5

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.	Applicant(s)		
10/706,587	MULTERER, ALFRED		
Examiner	Art Unit		
Khoi H Tran	3651		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in

condit Exam	tion for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued ination (RCE) in compliance with 37 CFR 1.114.
	PERIOD FOR REPLY [check either a) or b)]
	The period for reply expires $\underline{3}$ months from the mailing date of the final rejection.
b) [The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).
fee hav fee und (2) as s	densions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension we been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension der 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).
1.	A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.🛛	The proposed amendment(s) will not be entered because:
(a	they raise new issues that would require further consideration and/or search (see NOTE below);
(b	they raise the issue of new matter (see Note below);
(с	they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d	they present additional claims without canceling a corresponding number of finally rejected claims.
	NOTE: No amendment to the claims had been introduced.
	Applicant's reply has overcome the following rejection(s):
4.	Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.	The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:
6.	The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.🛛	For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
	The status of the claim(s) is (or will be) as follows:
	Claim(s) allowed:
	Claim(s) objected to:
	Claim(s) rejected: 1 and 7-10.
	Claim(s) withdrawn from consideration:
8.🛛	The drawing correction filed on <u>10/20/2004</u> is a) approved or b) disapproved by the Examiner.
9.	Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)
10.	
	Khoi H Tran
	Primary Examiner

Art Unit: 3651